

JOURNAL OF THE SENATE

NINETIETH SESSION

TWENTIETH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 11, 2015

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Don Block, followed by the Pledge of Allegiance led by Senate pages Maria Schwader and Jeanette Klein.

Roll Call: All members present except Sen. Curd who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the nineteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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1 Also MR. PRESIDENT:

2 The Committee on Transportation respectfully reports that it has had under consideration
3 SB 128 and returns the same with the recommendation that said bill be amended as follows:

4 128oa

5 On page 1, line 8, of the printed bill, after "or" insert "a valid South Dakota".

6 And that as so amended said bill do pass.

7 Also MR. PRESIDENT:

8 The Committee on Transportation respectfully reports that it has had under consideration
9 SB 175 which was deferred to the 41st Legislative Day.

10 Respectfully submitted,
11 Mike Vehle, Chair

12 Also MR. PRESIDENT:

13 The Committee on Taxation respectfully reports that it has had under consideration SB 159
14 and returns the same with the recommendation that said bill do pass.

15 Also MR. PRESIDENT:

16 The Committee on Taxation respectfully reports that it has had under consideration SB 182
17 and returns the same with the recommendation that said bill be amended as follows:

18 182fa

19 On page 1, line 12, of the printed bill, remove the overstrikes from "~~one~~".

20 On page 1, line 12, delete "one-half".

21 On page 1, line 13, remove the overstrikes from "~~one~~".

22 On page 1, line 13, delete "one-half".

23 On page 2, line 3, remove the overstrikes from "~~and one-half~~".

1 On page 2, line 12, overstrike "thirty" and insert "twenty-four".

2 And that as so amended said bill do pass and be placed on the consent calendar.

3 Respectfully submitted,
4 Jeff Monroe, Chair

5 Also MR. PRESIDENT:

6 The Committee on Health and Human Services respectfully reports that it has had under
7 consideration HB 1130 and returns the same with the recommendation that said bill be amended
8 as follows:

9 1130ja

10 On page 2, line 6, of the printed bill, delete "or accept a commitment for payment".

11 And that as so amended said bill do pass.

12 Also MR. PRESIDENT:

13 The Committee on Health and Human Services respectfully reports that it has had under
14 consideration SB 187 which was deferred to the 41st Legislative Day.

15 Respectfully submitted,
16 Bruce Rampelberg, Chair

17 Also MR. PRESIDENT:

18 The Committee on State Affairs respectfully reports that it has had under consideration
19 SB 121 and 122 which were deferred to the 41st Legislative Day.

20 Respectfully submitted,
21 Tim Rave, Chair

22 **MESSAGES FROM THE HOUSE**

23 MR. PRESIDENT:

24 I have the honor to return herewith SB 14, 15, 34, 46, and 61 which have passed the House
25 without change.

1 Also MR. PRESIDENT:

2 I have the honor to return herewith SB 18 which has been amended by the House and your
3 concurrence in the amendments is respectfully requested.

4 Also MR. PRESIDENT:

5 I have the honor to transmit herewith HB 1116, 1142, 1178, 1179, 1180, 1188, 1191, 1192,
6 and 1195 which have passed the House and your favorable consideration is respectfully
7 requested.

8 Respectfully,
9 Arlene Kvislen, Chief Clerk

10 MOTIONS AND RESOLUTIONS

11 Yesterday, Sen. Otten announced his intention to reconsider the vote by which HJR 1001
12 lost.

13 Sen. Otten moved that the Senate do now reconsider the vote by which HJR 1001 lost.

14 The question being on Sen. Otten's motion to reconsider the vote by which HJR 1001 lost.

15 And the roll being called:

16 Yeas 19, Nays 14, Excused 2, Absent 0

17 Yeas:

18 Brown; Cammack; Hagggar (Jenna); Heineman (Phyllis); Holien; Jensen (Phil); Lederman;
19 Novstrup (David); Olson; Omdahl; Otten (Ernie); Rampelberg; Rave; Rusch; Solano; Tieszen;
20 Van Gerpen; Vehle; White

21 Nays:

22 Bradford; Buhl O'Donnell; Ewing; Frerichs; Haverly; Heinert; Hunhoff (Bernie); Monroe;
23 Parsley; Peters; Peterson (Jim); Soholt; Sutton; Tidemann

24 Excused:

25 Curd; Greenfield (Brock)

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 President declared the motion carried and HJR 1001 was up for reconsideration and final
28 passage.

Sen. Rave moved that HJR 1001 be placed on the calendar of Tuesday, February 17, the 22nd legislative day.

Which motion prevailed.

SCR 5 Introduced by: Senators Lederman, Frerichs, Holien, Monroe, Rave, Rusch, Soholt, Solano, and Tieszen and Representatives Bolin, Anderson, DiSanto, Harrison, Marty, McCleerey, Munsterman, Peterson (Kent), Schoenbeck, Schrempp, Stalzer, Wiik, Wink, and Wollmann

A CONCURRENT RESOLUTION, Supporting a stronger South Dakota-China relationship.

WHEREAS, the United States of America and the People's Republic of China established official diplomatic ties in 1979, which has produced numerous benefits to the people in both nations; and

WHEREAS, President Barack Obama of the United States and President Xi Jinping of China stressed in Beijing in November 2014 to promote the construction of a new model of major-country relations between the two countries, and to put into practice principles of no conflict, no confrontation, mutual respect, and cooperation; and

WHEREAS, the annual trade volume between the United States and China reached over half a trillion dollars in 2013 and the two countries are each other's second largest trading partner; and

WHEREAS, China is the largest source of import and third largest destination of export for the United States; and

WHEREAS, the significant increase of trade between the United States and China has created millions of job opportunities in both countries; and

WHEREAS, there are forty-one pairs of sister states/provinces and two hundred three pairs of sister cities between the United States and China and the two countries also established the U.S.-China Governors Forum in January 2011 to support subnational cooperation. All these provide channels and opportunities for exchange and cooperation between the people of the two countries; and

WHEREAS, over ten thousand Americans and Chinese fly across the Pacific Ocean every single day for mutual visits with the purpose of educational exchanges, business opportunities, and tourism and the people in both countries are raising higher demands on broader and deeper exchanges and cooperation; and

WHEREAS, the State of South Dakota has shared a great relationship with China through strong diplomatic ties, increasing trading cooperation, and frequent exchanges of people; and

1 WHEREAS, South Dakota has not established any sister state/province or sister city
2 relationship with China, while other US states have enjoyed such a relationship which promotes
3 a long-term, mutually beneficial, and strong friendship with each other; and

4 WHEREAS, we recognize that the key to these special accomplishments lies in mutual
5 understanding and mutual respect as well as in vision and support of leaders in both countries:

6 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninetieth Legislature of the
7 State of South Dakota, the House of Representatives concurring therein, that the South Dakota
8 State Legislature is committed to a stronger relationship with China, exploring the establishment
9 of sister state/province and sister city relationship with China, enriching economic prosperity
10 and cultural understanding in both countries, and bridging two great countries and great peoples.

11 Was read the first time, the President waived the referral to committee, and placed SCR 5
12 on the calendar of Thursday, February 12, the 21st legislative day.

13 Sen. Rave moved that a committee of three on the part of the Senate be appointed to meet
14 with a like committee on the part of the House to make arrangements for a joint session to hear
15 the message of the Canadian Consul General.

16 Which motion prevailed and the President appointed as such committee Sens. Tieszen,
17 Rave, and Sutton.

18 Sen. Rave moved that SB 169 be referred to the Committee on Appropriations.

19 Which motion prevailed.

20 Sen. Rave moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
21 Thursday, February 12, the 21st legislative day.

22 Which motion prevailed.

23 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

24 HB 1116: FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions
25 relating to the requirements for a permit to carry a concealed pistol.

26 Was read the first time and referred to the Committee on Judiciary.

27 HB 1142: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
28 age requirements for sex offender registry registration.

1 Was read the first time and referred to the Committee on Judiciary.

2 HB 1178: FOR AN ACT ENTITLED, An Act to provide for the creation of an entity for
3 the purpose of insurance contracts in certain instances.

4 Was read the first time and referred to the Committee on Commerce and Energy.

5 HB 1179: FOR AN ACT ENTITLED, An Act to revise the definition of a veteran.

6 Was read the first time and referred to the Committee on Appropriations.

7 HB 1180: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
8 regulation of captive insurance companies.

9 Was read the first time and referred to the Committee on Commerce and Energy.

10 HB 1188: FOR AN ACT ENTITLED, An Act to make an appropriation to the Department
11 of Environment and Natural Resources to develop a hydrologic model of the lower Big Sioux
12 River Basin in southeast South Dakota and to declare an emergency.

13 Was read the first time and referred to the Committee on Appropriations.

14 HB 1191: FOR AN ACT ENTITLED, An Act to make an appropriation for the Jobs for
15 America's Graduates program and to declare an emergency.

16 Was read the first time and referred to the Committee on Appropriations.

17 HB 1192: FOR AN ACT ENTITLED, An Act to make an appropriation for the protection
18 and enhancement of wildlife habitat and to declare an emergency.

19 Was read the first time and referred to the Committee on Appropriations.

20 HB 1195: FOR AN ACT ENTITLED, An Act to declare void the transgender policy of the
21 South Dakota High School Activities Association and to establish a determinant in identifying
22 a student's sexual identity for the purpose of participation in high school athletics.

23 Was read the first time and referred to the Committee on Education.

1 CONSIDERATION OF EXECUTIVE APPOINTMENT CONSENT CALENDAR

2 The Senate proceeded to the consideration of the executive reappointment of Robert H.
3 Hartford of Hughes County, Pierre, South Dakota, to the S.D. Lottery Commission.

4 The question being "Does the Senate advise and consent to the executive reappointment
5 of Robert H. Hartford pursuant to the executive message as found on page 42 of the Senate
6 Journal?"

7 And the roll being called:

8 Yeas 34, Nays 0, Excused 1, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
11 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
12 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
13 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
14 Vehle; White

15 Excused:

16 Curd

17 So the question having received an affirmative vote of a majority of the members-elect, the
18 President declared the reappointment confirmed.

19 SECOND READING OF CONSENT CALENDAR BILLS AND RESOLUTIONS

20 SB 154: FOR AN ACT ENTITLED, An Act to require that certain employees of the
21 Department of Veterans Affairs be veterans.

22 Was read the second time.

23 The question being "Shall SB 154 pass?"

24 And the roll being called:

25 Yeas 34, Nays 0, Excused 1, Absent 0

26 Yeas:

27 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
28 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
29 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
30 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
31 Vehle; White

1 Excused:
2 Curd

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 HB 1033: FOR AN ACT ENTITLED, An Act to repeal the South Dakota Energy
6 Infrastructure Authority.

7 Was read the second time.

8 The question being "Shall HB 1033 pass?"

9 And the roll being called:

10 Yeas 34, Nays 0, Excused 1, Absent 0

11 Yeas:
12 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
13 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
14 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
15 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
16 Vehle; White

17 Excused:
18 Curd

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 HB 1034: FOR AN ACT ENTITLED, An Act to repeal certain outdated and unnecessary
22 statutes related to the Wind Energy Competitive Advisory Task Force.

23 Was read the second time.

24 The question being "Shall HB 1034 pass?"

25 And the roll being called:

26 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
3 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
5 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
6 Vehle; White

7 Excused:

8 Curd

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 HB 1006: FOR AN ACT ENTITLED, An Act to allow bullheads to be used as bait.

12 Was read the second time.

13 The question being "Shall HB 1006 pass?"

14 And the roll being called:

15 Yeas 34, Nays 0, Excused 1, Absent 0

16 Yeas:

17 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
18 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
19 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
20 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
21 Vehle; White

22 Excused:

23 Curd

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 President declared the bill passed and the title was agreed to.

26 HB 1039: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
27 regulation of grain buyers and grain warehouses.

28 Was read the second time.

29 The question being "Shall HB 1039 pass?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
5 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
6 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
7 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
8 Vehle; White

9 Excused:

10 Curd

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 HB 1040: FOR AN ACT ENTITLED, An Act to revise the statute of frauds within the
14 uniform commercial code with respect to the sale of pulse crops.

15 Was read the second time.

16 The question being "Shall HB 1040 pass?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
21 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
22 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
23 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
24 Vehle; White

25 Excused:

26 Curd

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

29 HB 1056: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
30 Department of Agriculture.

31 Was read the second time.

1 The question being "Shall HB 1056 pass as amended?"

2 And the roll being called:

3 Yeas 34, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
6 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
7 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
8 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
9 Vehle; White

10 Excused:

11 Curd

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

15 SB 190: FOR AN ACT ENTITLED, An Act to clarify health coverage for applied behavior
16 analysis.

17 Was read the second time.

18 The question being "Shall SB 190 pass as amended?"

19 And the roll being called:

20 Yeas 34, Nays 0, Excused 1, Absent 0

21 Yeas:

22 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
23 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
24 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
25 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
26 Vehle; White

27 Excused:

28 Curd

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 President declared the bill passed and the title was agreed to.

1 SB 1: FOR AN ACT ENTITLED, An Act to revise certain taxes and fees to fund
2 improvements to public roads and bridges in South Dakota.

3 Was read the second time.

4 1fq

5 Sen. Lederman moved that SB 1 be amended as follows:

6 On page 10 of the Senate State Affairs Committee engrossed bill, delete lines 3 to 7,
7 inclusive, and insert:

8 "bridge reserve fund." Any increased tax levy imposed pursuant to this section is exempt from
9 the provisions of § 10-13-35, if the county establishes the amount of revenue payable from taxes
10 on real property pursuant to section 21 of this Act. Each year thereafter, the county may increase
11 the amount of revenue payable from property taxes by applying the growth and the index factor
12 pursuant to § 10-13-35."

13 On page 10, between lines 7 and 8, insert:

14 "Section 21. The governing body of the county may, by resolution, impose the increased
15 tax levy provided in § 10-12-13 with an affirmative two-thirds vote of the governing body on
16 or before July fifteenth. The decision of the governing body to impose the increased tax levy
17 shall be published within ten days of the decision and shall be published at least twice in each
18 legal newspaper designated by the county. The decision to increase the tax levy provided in
19 § 10-12-13 shall be referred to a vote of the people for its approval or disapproval."

20 On page 10, line 11, delete "22" and insert "24".

21 On page 10, line 13, delete everything after "." and insert "The tax levy imposed pursuant
22 to this section is exempt from the provisions of § 10-13-35, if the township establishes the
23 amount of revenue payable from taxes on real property for purposes authorized by this section
24 pursuant to section 23 of this Act. Each year thereafter, the township may increase the amount
25 of revenue payable from property taxes by applying the growth and the index factor pursuant
26 to § 10-13-35.

27 Section 23. The governing body of the township may, by resolution, impose the tax levy
28 provided in section 22 of this Act with an affirmative two-thirds vote of the governing body on
29 or before July fifteenth. The decision of the governing body to impose the tax levy shall be
30 published within ten days of the decision and shall be published at least twice in each legal
31 newspaper designated by the township. The decision to impose the tax levy provided in section
32 22 of this Act shall be referred to a vote of the people for its approval or disapproval."

33 On page 10, delete line 14.

1 1fr

2 Sen. Vehle moved as a substitute motion that SB 1 be amended as follows:

3 On page 10 of the Senate State Affairs Committee engrossed bill, delete lines 3 to 7,
4 inclusive, and insert:

5 "bridge reserve fund." Any increased tax levy imposed pursuant to this section is exempt from
6 the provisions of § 10-13-35, if the county establishes the amount of revenue payable from taxes
7 on real property pursuant to section 21 of this Act for purposes authorized by this section.
8 However, each year thereafter, the county may increase the amount of revenue payable from
9 property taxes by applying the growth and the index factor pursuant to § 10-13-35."

10 On page 10, between lines 7 and 8, insert:

11 "Section 21. The governing body of the county may, by resolution, impose the increased
12 tax levy provided in § 10-12-13 with an affirmative two-thirds vote of the governing body on
13 or before July fifteenth. The action of the governing body to authorize an increased tax levy
14 shall be published within ten days of the action and shall be published at least twice in each
15 legal newspaper designated by the county. The action to authorize an increased tax levy is
16 subject to the referendum process in accordance with chapter 7-18A."

17 On page 10, line 11, delete "22" and insert "23".

18 On page 10, line 14, after "." insert "No township may authorize a tax levy pursuant to this
19 section unless notice of the proposed action is included in the notice required by § 8-3-1."

20 Sen. Peters requested a roll call vote.

21 Which request was supported.

22 The question being on Sen. Vehle's substitute motion that SB 1 be amended.

23 And the roll being called:

24 Yeas 17, Nays 17, Excused 1, Absent 0

25 Yeas:

26 Bradford; Brown; Buhl O'Donnell; Frerichs; Heinert; Hunhoff (Bernie); Novstrup (David);
27 Omdahl; Parsley; Peterson (Jim); Rusch; Soholt; Sutton; Tidemann; Tieszen; Vehle; White

28 Nays:

29 Cammack; Ewing; Greenfield (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Holien;
30 Jensen (Phil); Lederman; Monroe; Olson; Otten (Ernie); Peters; Rampelberg; Rave; Solano; Van
31 Gerpen

1 Excused:
2 Curd

3 So the motion not having received an affirmative vote of a majority of the members
4 present, the President declared the motion lost.

5 Sen. Peters requested a roll call vote on Sen. Lederman's amendment.

6 Which request was supported.

7 The question now being on Sen. Lederman's motion that SB 1 be amended.

8 And the roll being called:

9 Yeas 21, Nays 13, Excused 1, Absent 0

10 Yeas:
11 Brown; Cammack; Ewing; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis);
12 Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson; Otten (Ernie); Peters;
13 Rampelberg; Rave; Rusch; Soholt; Solano; Van Gerpen

14 Nays:
15 Bradford; Buhl O'Donnell; Frerichs; Heinert; Novstrup (David); Omdahl; Parsley; Peterson
16 (Jim); Sutton; Tidemann; Tieszen; Vehle; White

17 Excused:
18 Curd

19 So the motion having received an affirmative vote of a majority of the members present,
20 the President declared the motion carried.

21 1fl

22 Sen. Frerichs moved that SB 1 be further amended as follows:

23 On page 11, after line 20 of the Senate State Affairs Committee engrossed bill, insert:

24 "Section 26. That § 32-5B-17 be amended to read as follows:

25 32-5B-17. ~~All revenues~~ The revenue received pursuant to ~~§§ 32-5B-1 and § 32-5B-20~~ shall
26 be credited to the state highway fund.

27 Ninety percent of the revenue received pursuant to §§ 32-5B-1 and 32-5B-1.4 shall be
28 credited to the state highway fund and ten percent of the revenue received pursuant to §§ 32-5B-
29 1 and 32-5B-1.4 shall be credited to the local government highway and bridge fund."

1 Sen. Buhl O'Donnell requested a roll call vote.

2 Which request was supported.

3 The question being on Sen. Frerichs' motion that SB 1 be further amended.

4 And the roll being called:

5 Yeas 8, Nays 26, Excused 1, Absent 0

6 Yeas:

7 Bradford; Buhl O'Donnell; Frerichs; Heinert; Hunhoff (Bernie); Parsley; Peterson (Jim); Sutton

8 Nays:

9 Brown; Cammack; Ewing; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis);
10 Holien; Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie);
11 Peters; Rampelberg; Rave; Rusch; Soholt; Solano; Tidemann; Tieszen; Van Gerpen; Vehle;
12 White

13 Excused:

14 Curd

15 So the motion not having received an affirmative vote of a majority of the members
16 present, the President declared the motion lost.

17 The question now being "Shall SB 1 pass as amended?"

18 And the roll being called:

19 Yeas 26, Nays 8, Excused 1, Absent 0

20 Yeas:

21 Brown; Cammack; Ewing; Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
22 Lederman; Monroe; Novstrup (David); Otten (Ernie); Parsley; Peters; Peterson (Jim);
23 Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
24 White

25 Nays:

26 Bradford; Buhl O'Donnell; Frerichs; Greenfield (Brock); Haggar (Jenna); Jensen (Phil); Olson;
27 Omdahl

28 Excused:

29 Curd

30 So the bill having received an affirmative vote of a two-thirds majority of the members-
31 elect, the President declared the bill passed and the title was agreed to.

1 SB 132: FOR AN ACT ENTITLED, An Act to allow school districts to recruit teachers
2 by providing certain financial incentives.

3 Was read the second time.

4 132ca

5 Sen. Solano moved that SB 132 be amended as follows:

6 On page 2 of the printed bill, delete lines 1 to 12, inclusive.

7 Which motion prevailed.

8 The question being "Shall SB 132 pass as amended?"

9 And the roll being called:

10 Yeas 26, Nays 7, Excused 2, Absent 0

11 Yeas:

12 Brown; Cammack; Ewing; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis);
13 Holien; Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie);
14 Peters; Rampelberg; Rave; Rusch; Soholt; Solano; Tidemann; Tieszen; Van Gerpen; Vehle;
15 White

16 Nays:

17 Buhl O'Donnell; Frerichs; Heinert; Hunhoff (Bernie); Parsley; Peterson (Jim); Sutton

18 Excused:

19 Bradford; Curd

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 President declared the bill passed.

22 The question being on the title.

23 132cta

24 Sen. Solano moved that the title to SB 132 be amended as follows:

25 On page 1, line 1, of the printed bill, delete "or retain".

26 Which motion prevailed and the title was so amended.

SB 129: FOR AN ACT ENTITLED, An Act to revise provisions relating to trespass associated with hunting, fishing, or trapping.

Was read the second time.

The question being "Shall SB 129 pass?"

And the roll being called:

Yeas 12, Nays 21, Excused 2, Absent 0

Yeas:

Cammack; Frerichs; Greenfield (Brock); Heinert; Jensen (Phil); Lederman; Olson; Peterson (Jim); Rave; Sutton; Tieszen; Vehle

Nays:

Brown; Buhl O'Donnell; Ewing; Haggard (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Monroe; Novstrup (David); Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rusch; Soholt; Solano; Tidemann; Van Gerpen; White

Excused:

Bradford; Curd

So the bill not having received an affirmative vote of a majority of the members-elect, the President declared the bill lost.

Sen. Rave moved that SB 91, 92, 136, and 168 and HB 1085, 1069, 1055, 1058, 1059, 1063, 1043, 1057, 1051, and 1013 be deferred to Thursday, February 12, the 21st legislative day.

Which motion prevailed.

SIGNING OF BILLS

The President publicly read the title to

SB 14: FOR AN ACT ENTITLED, An Act to provide for the possession and administration of opioid antagonists by first responders for the treatment of drug overdoses.

SB 15: FOR AN ACT ENTITLED, An Act to allow for discretionary appeals of illegal sentences.

SB 34: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the administration of benefits provided to veterans and to declare an emergency.

SB 46: FOR AN ACT ENTITLED, An Act to make an appropriation of other fund expenditure authority to the Department of Agriculture for the construction of the Nordby Exhibit Hall at the South Dakota State Fair and to declare an emergency.

SB 61: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances schedule and to declare an emergency.

HB 1071: FOR AN ACT ENTITLED, An Act to revise the number of signatures required for a nominating petition for sanitary district trustees.

HB 1104: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the notification procedure for payment of delinquent special assessments.

And signed the same in the presence of the Senate.

COMMEMORATIONS

SC 13 Introduced by: Senators Brown, Buhl O'Donnell, Haverly, Heineman (Phyllis), Omdahl, Parsley, Peters, Tidemann, Van Gerpen, and White and Representatives Anderson, Bordeaux, Cronin, Dryden, Hunhoff (Jean), Jensen (Alex), Ring, and Romkema

A LEGISLATIVE COMMEMORATION, Honoring South Dakota's Army and Air National Guard outstanding personnel winners.

WHEREAS, the South Dakota Army and Air National Guard consistently are ranked as one of the best Army and Air National Guard units in the nation; and

WHEREAS, South Dakota's Army and Air National Guard units have served this state and nation with distinction in a variety of circumstances including combat deployments around the world, service in response to emergency and disaster events in this state, and maintenance of a training regimen that ensures a superior level of readiness and efficiency. South Dakota's National Guard personnel continue to make personal and professional sacrifices of the highest order in the course of their military service; and

WHEREAS, each year South Dakota's top performing Army and Air National Guard members are honored for their exemplary service. For 2014, the following members were so honored: SOUTH DAKOTA ARMY NATIONAL GUARD--Warrant Officer of the Year - Chief Warrant Officer 4 Howard T. Dressler, Joint Force Headquarters, Rapid City; and SOUTH DAKOTA AIR NATIONAL GUARD--Airman of the Year - Senior Airman Jorri J. Hart, 114th Security Forces Squadron, Sioux Falls; Noncommissioned Officer of the Year - Master Sergeant Paul E. Lupkes, 114th Security Forces Squadron, Sioux Falls; Sr. Noncommissioned Officer of the Year - Senior Master Sergeant Jeremy J. Lehman, 114th Operations Support Squadron, Sioux Falls; 1st Sergeant of the Year - Master Sergeant Shawn L. Greer, Medical Group, Sioux Falls; and Lieutenant of the Year - Captain Nilofar Kabiri Meyer, 114th Fighter Wing, Sioux Falls;

1 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
2 of South Dakota, that the Legislature congratulates the above-named members of the South
3 Dakota Army and Air National Guard and conveys its heartfelt gratitude and respect to all of
4 the South Dakota National Guard personnel.

5 SC 14 Introduced by: Senators Tidemann, Buhl O'Donnell, Haverly, Heineman (Phyllis),
6 Omdahl, Parsley, Peters, Van Gerpen, and White and Representatives Anderson, Bordeaux,
7 Cronin, Dryden, Hunhoff (Jean), Jensen (Alex), Ring, and Romkema

8 A LEGISLATIVE COMMEMORATION, Commending the South Dakota Army National
9 Guard's 115th Signal Company, Brookings, South Dakota, on being awarded the General of
10 the Army Dwight D. Eisenhower Trophy.

11 WHEREAS, the South Dakota Army National Guard's 115th Signal Company was presented
12 the Eisenhower Trophy for South Dakota in 2014; and

13 WHEREAS, the Eisenhower Trophy is presented to the most outstanding South Dakota
14 Army National Guard company-sized unit; and

15 WHEREAS, the Eisenhower Trophy is named in honor of General of the Army Dwight D.
16 Eisenhower and awarded by the Chief of the National Guard Bureau to the Army National
17 Guard unit in each state rated the most outstanding during the training year; and

18 WHEREAS, the selection is based on the army physical fitness test, unit manning, skill level
19 qualifications, retention, drill attendance, operational readiness inspections, and outstanding
20 accomplishments, all being factors in the evaluation and selection; and

21 WHEREAS, the 115th Signal Company continues to demonstrate continued support to their
22 community and the State of South Dakota:

23 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
24 of South Dakota, that the South Dakota Legislature expresses its respect, commendation, and
25 congratulations to the South Dakota Army National Guard's 115th Signal Company for being
26 awarded the Eisenhower Trophy and recognizing the 115th Signal Company for their
27 outstanding service to the great State of South Dakota and the United States of America.

28 SC 15 Introduced by: Senators Lederman, Frerichs, Holien, Monroe, Rave, Rusch, Soholt,
29 Solano, and Tieszen and Representatives Bolin, Anderson, Deutsch, DiSanto, Gosch, Greenfield
30 (Lana), Harrison, Hawks, Hickey, Kaiser, Latterell, Marty, Mickelson, Novstrup (Al), Peterson
31 (Kent), Russell, Stalzer, Stevens, Tulson, Wiik, Wink, and Wollmann

32 A LEGISLATIVE COMMEMORATION, Honoring the Dakota Valley High School Dance
33 Team for winning the 2014 Class A Dance Grand State Title for the fifth year in a row.

34 WHEREAS, the members of the Dakota Valley Dance Team, Taylor Bauman, Emilee
35 Benson, Kylie Christiansen, Katie Dam, Gwyneth Fisher, Madie Hixson, Haley Hoffman, Ruby

1 Marquez, Nicole McGlothlen, Josi Minor, Gracie Nelson, Callie Olson, Victoria Parks, Hannah
2 Reiff, Katelyn Rice, and Sylvia Rosenkrans, secured the team's fifth state title in five years; and

3 WHEREAS, the team's support for each other, devotion to the sport, and long hours of
4 practice have allowed the team to stand out as the best dance team in the state; and

5 WHEREAS, Coach Melissa Strong's leadership, vision, creativity, dedication, and
6 encouragement has inspired the team members to excel in the sport for the past five years:

7 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
8 of South Dakota, that the Dakota Valley Dance Team be recognized and congratulated for
9 bringing the Class A Dance Grand Championship to Dakota Valley High School for the fifth
10 consecutive year.

11 Sen. Holien moved that the Senate do now adjourn, which motion prevailed and at
12 5:02 p.m. the Senate adjourned.

13 Kay Johnson, Secretary